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PSEG

July 29, 2004

Via Hand-Delivery and E-mail

Kristi Izzo, Secretary
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Michael Winka, Director
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Re: **I/M/O Appropriate Utility Funding Allocation for the 2004 Clean Energy Program**

I/M/O Comprehensive Energy Efficiency and Renewable Energy Resource Analysis

Docket Nos. EX03110946 and EX04040276

Dear Secretary Izzo and Director Winka:

Enclosed for filing please find an original and ten copies of Public Service Electric and Gas Company's ("PSE&G" or "Company") comments on issues to be addressed at the August 5, 2004 public hearing in the above-referenced matters.

I. Introduction

On June 3, 2004, Public Service Electric and Gas Company ("PSE&G" or "Company") filed data and comments with the Board ("June 3 Filing") in response to certain issues as directed in the Board's Order dated May 7, 2004 ("May 7 Order"). Specifically PSE&G responded to the following issues:

1. What is the current amount being collected in rates for each gas and electric utility: for the Clean Energy Program; and for legacy programs?

2. How should funds be allocated across the gas and electric utilities in the state for Clean Energy Programs?

3. Provide suggestions on how funding for new programs can be generated through the reallocation of funds from the expiration of past standard offer or similar commitments as set forth in N.J.S.A. 48:3-60a(3). [May 7 Order at 6].

The June 3 Filing provided information that the Board required in its Order by June 7, 2004, namely the three issues recited above, as well as PSE&G's comments on issues scheduled for the June 8, 2004 hearing and the August 5, 2005 hearing, which were related to issues 2 and 3 above.

PSE&G is now providing additional comment on Issue 2 as well as comments on the appropriateness of continued utility lost revenue recovery.[1]

II. 2005 - 2008 Funding Allocation

In response to the Board's December 22, 2003 Order, on January 21, 2004, the Company filed its position addressing the utility funding allocation for the 2004 Clean Energy Program year ("January 21 Filing"). In its June 3 Filing, the Company restated its position on the funding allocation for 2004 and further stated that the same approach should be adopted for allocating the 2005-2008 statewide funding requirement to the utilities.

[1] PSE&G has previously submitted comments on lost revenues in its January 21, 2004 comments in Docket No. EX03110946. At the June 8 public hearing, the Board indicated that the lost revenue issue would be addressed at a future hearing. See Tr. 14:13-16.

In summary, the Company proposed a two-step allocation process. The first step is to allocate the statewide funding requirement between the electric utilities and the gas utilities utilizing a revenue allocator. The second step is to allocate the electric funding requirement among the electric utilities and the gas funding requirement among the gas utilities in such a way to produce an equalized rate for each that recognizes all DSM and Clean Energy Program costs incurred by companies in funding energy savings, including legacy costs that are presently being funded by ratepayers.

A. Current Funding Allocation

The current funding allocation was adopted from the settlement reached by the utilities, excluding RECO, and the Natural Resources Defense Council (NRDC) in the first Comprehensive Resource Analysis (CRA) proceeding that was conducted by the Board in 1999. As part of that proceeding these parties entered into a settlement that included an agreement on the funding level for each company. Those funding levels did not produce equalized funding rates for the CRA programs. PSE&G agreed to enter into the settlement in part because the Company's Clean Energy funding requirement for electric programs under the agreement was significantly less than that which would result from an equalized approach. This provided some recognition, though limited, of the Company's ratepayer's substantial investment and ongoing incentive payments under the Standard Offer program.

B. The Clean Energy Program Funding Allocation Should Recognize All DSM and Clean Energy Program Costs

As a threshold issue, it is clearly appropriate for the Board to set a Clean Energy Program Funding allocation that recognizes all DSM and Clean Energy Program costs. To not do so would penalize the ratepayers of the utilities that fully embraced the Board's DSM policy with DSM programs that preceded the current Clean Energy Program and that are currently paying for current energy savings. The PSE&G program that is currently incurring costs for current energy savings is the Standard Offer program. PSE&G does not believe that other utilities should pay for PSE&G's Standard Offer program. However, it would be appropriate to reduce PSE&G's allocation of the Clean Energy Program funding requirement so that, in total, PSE&G ratepayers would be paying no more on a per unit basis than the ratepayers of other utilities for all of their DSM/Clean Energy programs.

C A Majority of Ratepayers Pay a Disproportionate Share of DSM Costs

Currently, PSE&G ratepayers are paying a disproportionately high rate for DSM programs. As a consequence, the majority of the State's ratepayers, and an even greater proportion of the State's low-income ratepayers, are paying more than the rest of the ratepayers in New Jersey to support DSM programs that benefit everyone.

It is clear from the evolution of the Clean Energy Program that Board policy recognizes that the benefits of energy savings extend beyond utility service territories. This was apparently a supporting principle in setting up the Fiscal Agent Trust to collect funds from all the utilities and then disburse them through the Clean Energy Program, without regard to the territories from which those funds were collected. Clearly, the benefits of all DSM and Clean Energy programs go beyond the utilities' boundaries and it is therefore appropriate for all ratepayers to fund these programs equally on a per unit of energy basis. In addition, the Board has also apparently relied on this statewide-benefit rationale to justify the restriction that many Clean Energy Program rebates are limited to Smart Growth areas, even though the funds to pay for these rebates are collected from ratepayers not living in the Smart Growth areas. Therefore, consistent with principles currently embraced by the Board, the Clean Energy Program allocation should be adjusted such that ratepayers of any specific utility no longer pay a disproportionate share of total DSM/Clean Energy Program costs on a per unit of energy basis.

III. Lost Revenues

In its January 21 Filing, the Company described lost revenue recovery and the purpose that it serves. Lost revenue recovery provides a regulatory mechanism for utilities to continue to recover fixed T&D costs, normally addressed in a base rate case proceeding, that are lost by saving a unit of energy which otherwise would have been recovered through the sale of a unit of energy. The Company maintains that this regulatory mechanism is good regulatory policy for controlling regulatory costs compared to the need for more frequent and costly base rate cases that would achieve the same purpose. It is an efficient process enabling the Company to maintain an amount of earnings that the Board had decided to be appropriate in a base rate case in order to stay financially viable. There seems to be very little disagreement with the concept that, because the Board is requiring the utilities to fund a certain level of dollars for Clean Energy Programs, the utilities should recover these costs through an adjustment clause instead of filing a stream of base rate cases. But the fact is, a dollar increase in expenses has exactly the same impact on utility earnings as a dollar reduction in revenues. Further, the mandated utility Clean Energy Program funding has a direct and measurable impact on utility revenues. Therefore, with respect to cost recovery, lost revenues should be treated exactly the same as utility funding of DSM/Clean Energy programs.

In its January 21 Filing, the Company also explained that the utility should continue to recover lost revenues regardless of the entity that administers the Board's energy efficiency and renewable energy programs. The facts remain that the Board-approved energy efficiency and renewable energy programs: (1) continue to be financed through the utility's SBC rate at a level decided by the Board; (2) continue to cause incremental decreases in energy use; (3) continue to provide measurable results; and (4) continue to cause a loss of the utility's fixed margin revenues.

Finally, the Board has previously approved the concept of lost revenue recovery for the Energy Efficiency portion of the Clean Energy Program.[2] For the reasons discussed herein, and in the Company's January 21 Filing, the recovery of lost revenues should be expanded to include the reduction in the use of electricity due to renewable energy installations on the customer side of the meter.

IV. 2005-2008 Statewide Funding Level

The Electric Discount and Energy Competition Act (EDECA) requires that the statewide funding level reach $140 million by the eighth year, 2008. In its June 3 Filing, the Company addresses how to calculate the amount that EDECA requires the statewide funding to increase based on expiring Standard Offer contracts. EDECA requires that this calculation commence in the fifth year, 2005 and is required to be applied as long as the statewide funding level is below $140 million. Once the level of statewide funding reaches $140 million per year, the Board is not statutorily required to further increase the statewide funding level. While the Company has no specific recommendation for the statewide funding levels for 2005-2008, it is asking the Board to keep in mind that higher levels of statewide funding will result in higher rates to all electric and gas customers. Therefore, the Board should strictly require that each

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[2] *See I/M/O the Petition of the Filings of the Comprehensive Resource Analysis of Energy Programs et al.*, Docket No. EX99050347 *et al.* (March 9, 2001), p. 73.

program funded with Clean Energy Program funds clearly demonstrate that it is cost effective.

However, even if programs are cost-effective in total to society, they usually involve significant up-front costs to obtain savings over the lifetime of equipment. This directly translates to higher rates in the early years. Therefore, in addition to evaluating the cost effectiveness of the program, it is recommended that the Board also, at minimum, conduct a rate impact analysis for each year of the life of the program. This would clearly show how much higher rates would be in the short term in order to produce net savings to society possibly many years in the future.

V. Conclusion

In conclusion, for all the foregoing reasons, as well as those set forth in the Company's January 21 and June 3 Filings, PSE&G requests that the Board find: (1) funding equity should reflect costs for all DSM programs, including energy efficiency, renewable energy, and prior program commitments, such as Standard Offer program expenditures, to produce a uniform, statewide funding rate; and (2) utility lost revenue recovery should continue for energy efficiency programs and expand to also include lost revenue recovery for renewable energy installations on the customer side of the meter.

Respectfully submitted,

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